

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA, §
§
Plaintiff, §
§
v. § CRIMINAL ACTION NO. 4:16CR078 –
§ ALM/CAN
QUINTON ALEXANDER §
§
Defendant. §

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release.

After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on September 7, 2016, to determine whether Defendant violated his supervised release. Defendant was represented by Felix Marquez. The Government was represented by Kevin McClendon

On December 15, 2010, Defendant was sentenced by the Honorable United States District Judge Sidney A. Fitzwater of the Northern District of Texas after pleading guilty to the offense of Conspiracy to Commit Bank Robbery. Defendant was sentenced to sixty (60) months imprisonment, followed by two (2) years of supervised release plus special conditions to include substance abuse testing and treatment; the Defendant shall participate in workforce development programs and services involving activities relating to occupational and career development, including but not limited to assessments and testing, educational instruction, training classes, career guidance, counseling, case management, and job search and retention services, as directed by the probation officer until successfully discharged from the program; \$38,417.00 restitution;

and \$100 special assessment. On September 24, 2013, Defendant completed his period of imprisonment and began service of his term of supervised release. On June 15, 2016 this case was transferred from the Northern District of Texas, Dallas Division case number 3:09CR349-D-1 to the Eastern District of Texas as styled above.

On August 22, 2016, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 2 Sealed]. The Petition asserted that Defendant violated three (3) conditions of supervision, as follows: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer; and (3) Defendant shall not leave the judicial district without permission from the Court and/or the probation officer.

The Petition alleges that Defendant committed the following acts constituting the nature of noncompliance: (1), (2) and (3) On June 17, 2015 in The Colony, Texas, Quinton Alexander was arrested by the Colony Police Department Officers in The Colony, Texas for evading arrest or detention using a vehicle, as evidenced by his arrest for Evading Arrest or Detention Using a Vehicle, in violation of Texas Penal Code §38.04(b)(2)(A). Mr. Alexander was also arrested by The Colony Police Department for Aggravated Robbery, in violation of Texas Penal Code §29.03. The Colony, Texas is in the Eastern District of Texas. Mr. Alexander was placed in the Denton County Jail pending adjudication of these cases.

Prior to the Government putting on its case, Defendant entered a plea of true to all three (3) allegations in the Petition, specifically Defendant committed another federal, state, or local crime; Defendant associated with other persons engaged in criminal activity and/or a person that had been convicted of a felony and that the Defendant left the judicial district without

permission. Having considered the Petition and the plea of true to all three (3) allegations, the Court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocate before the District Judge and his right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months to run consecutively to the sentence imposed under Case Number 4:15CR144, with no term of supervised release to follow.

The Court also recommends that Defendant be housed in a Bureau of Prisons North Texas Region facility, if appropriate.

Dated this the 8th day of September, 2016.



Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE